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REPORT BY THE SECRETARY-GENERAL IN PURSUANCE OF SECURITY COUNCIL RESOLUTION 384 (1975)

1. Having discussed the item entitled "The situation in Timor" at its 1864th and 1865th and at its 1867th to 1869th meetings, held between 13 and 22 December 1975, the Security Council at the last-mentioned meeting, adopted resolution 384 (1975), the text of which is contained in paragraph 20 of the annex to this report.

2. In paragraph 5 of the resolution, the Security Council requested me to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the Territory and all the States concerned in order to ensure the full implementation of the resolution.

3. In accordance with that request on 29 December 1975, I appointed Mr. Vittorio Winspeare Guicciardi, Director-General of the United Nations Office in Geneva, as my special representative and asked him to initiate his mission without delay.

4. Mr. Winspeare Guicciardi came to Headquarters on 5 January 1976 in order to discuss with me the details of the mission. I asked him to inform me personally of its progress and to submit to me a report on its results for transmission to the Security Council. I also assigned an appropriate staff to assist him during the mission.

5. On 29 February 1976, my special representative submitted to me a written report, the text of which is reproduced in the annex. Paragraphs 21 to 35 contain a detailed account of the mission. Paragraphs 36 to 44 contain the findings of my special representative.

6. In submitting the report of my special representative to the Security Council, I wish to express the hope that it will provide a useful basis for the Council's further consideration of the question.

7. Mindful of the request addressed to me in paragraph 6 of resolution 384 (1975), I shall continue to follow the implementation of the resolution.

8. Further, as the parties concerned have expressed their readiness to continue consultations with my special representative, I suggest that these consultations should be continued for the time being on the understanding that any developments will be reported to the Council.

Annex

Report by the Special Representative of the Secretary-General appointed under Security Council resolution 384 (1975), addressed to the Secretary-General on 29 February 1976

Appointment and terms of reference

1. On 29 December 1975 you appointed me your Special Representative pursuant to paragraph 5 of Security Council resolution 384 (1975) for the purpose of making an on-the-spot assessment of the existing situation in East Timor and of establishing contact with all the parties in the Territory and all States concerned in order to ensure the implementation of that resolution.

2. You advised me that the Governments concerned had been consulted and had informed you that they would accord me all possible assistance in order to facilitate my assignment.

3. Although on 26 December you had received a communication from the "Provisional Government" in Dili requesting postponement of a United Nations visit to East Timor, you instructed me at the time of my appointment to assemble a small team of Secretariat members, to make arrangements to initiate the mission without delay and to report to you in New York for briefing on 5 January 1976. I was requested to inform you personally of my progress and to prepare and submit to you for transmission to the Security Council a report on the results of the mission.

Background information

4. The events and circumstances which gave rise to Security Council resolution 384 (1975) were set forth in detail by the Governments and parties concerned in the course of the 1864th, 1865th, 1867th, 1868th and 1869th meetings of the Security Council (15-22 December 1975). 1/

5. It might nevertheless be relevant to summarize these events against the background of the geography and history of East Timor. The island of Timor lies at the extreme eastern tip of the Nusatenggara archipelago, some nine degrees south of the equator, and has a total area of approximately 30,000 square kilometres. The western half is part of the Republic of Indonesia. The area under Portuguese administration comprises 14,925 square kilometres, 2/ being the eastern part of the island, together with the enclave of Oecusse Ambeno, the island of Atauro off the northern coast, and the small island of Jaco off the extreme eastern tip. The Territory of East (Portuguese) Timor has a border with Indonesia of about

1/ See documents S/PV.1864, 1865, 1867, 1868, 1869.

2/ United Nations Demographic Yearbook, 1972, p. 123.

200 kilometres. The nearest neighbour, other than Indonesia, is Australia whose north-west coast lies some 600 kilometres to the south-east.

6. The terrain of Timor is rugged, high mountains rising abruptly from the sea along the northern coast. A central range of mountains creates a watershed with rivers running north and south. The southern coastal plain is generally wide with swampy areas at the river mouths and deltas. The climate of Timor is tropical under the influence of the North-East and South-West monsoons. During the season of heavy rains, lasting usually from December to May, communications suffer. Certain areas become entirely inaccessible by land, especially in the high altitude interior. Roads are largely impassable also in the coastal region where rivers in spate cannot be forded; there are very few bridges.

7. According to the census of 1970, 3/ the population of the Territory of East Timor was 609,477. Recent population estimates vary from 650,000 to 670,000. Less than 10 per cent of the population are reported as literate. Although many primary schools have been established in recent years, there is but one secondary school, at Dili the capital. Fewer than 10 East Timorese hold university degrees. 4/

8. Outside the main population centres the tribal system remains entrenched. The traditional Timorese social organization is based on the "cnua" or village comprising a small number of families. Villages are grouped in "sucos" headed by a suco chief. Groupings of sucos come under the leadership of "liurais".

9. The Portuguese first visited the island in 1514 and began to establish themselves in the second half of the sixteenth century when the Dutch also came to the area and disputes over territorial control arose. In 1893 a border agreement was reached between Portugal and Holland, 5/ binding each party wishing to dispose of its Timor territory to give first offer to the other. The Dutch half of the island of Timor became part of Indonesia in 1947. Portuguese East Timor remained as the Province of Timor an integral, but autonomous, region of the Portuguese Republic. 6/

10. With few exceptions open support for separation from Portugal did not emerge until the change of régime in Lisbon in April 1974. Although it made no specific reference to Timor, Law 7/74, which revised the 1933 Constitution of Portugal, laid down the constitutional framework for Portugal's decolonization policy and recognized the right of peoples to self-determination in conformity with the Charter of the United Nations.

3/ Portugal, Anuario Estatistico, 1973, vol. II.

4/ A/AC.109/L.1015, paras. 55-56.

5/ Later enshrined in the LUSO-HOLANDESA Treaty of 1904.

6/ Portugal: Overseas Organic Law of 1972 and Decree 547/72 of 22 December 1972.

11. By the time Law 7/74 was enacted three major political parties had emerged in East Timor: the Associação Popular Democrática de Timor (APODETI), the Frente Revolucionária Timor Leste (FRETILIN) and the União Democrática Timorense (UDT). APODETI, founded on 27 May 1974, advocated the integration of East Timor with Indonesia. (APODETI claimed to have among its members persons who had participated in an early revolt against Portuguese colonialism in 1959 at Viqueque. 7/) FRETILIN, which was reportedly first formed as an underground movement in 1970, had always advocated full independence for the Territory. 8/ UDT, formed on 11 May 1974, advocated union or federation with Portugal gradually leading towards independence. 9/ Later the same year two other parties were formed, Klibur Oan Timor Aswain (KOTA) and Partido Travalhista. KOTA, founded on 10 November 1974, argued for preserving the traditional tribal system with liurais as leaders of the people. 10/ Trabalhista, or Labour Party, founded in October 1974, advocated the "independence of East Timor, under a system somewhat similar to the Commonwealth system". 11/

12. Towards the end of 1974 the Portuguese Government had initiated negotiations with the three major parties on the form of a transitional government for the Territory. Early in 1975, FRETILIN and UDT formed a coalition and issued a communiqué criticizing APODETI for advocating integration with Indonesia. The communiqué called for negotiations with Portugal leading to a transitional government and subsequent independence for East Timor. 12/ The coalition, however, dissolved as ideological differences and increasing misunderstanding led to clashes between the two parties.

13. In June 1975 the Portuguese Government convened a meeting in Macau with the three major parties. FRETILIN, finally, did not participate, refusing to accept APODETI as representative, but talks took place with APODETI and UDT on a decolonization programme. Following the Macau Conference, in late June there were reports of clashes between FRETILIN and UDT in Dili.

14. On 12 July 1975 the Portuguese Government promulgated Law 7/75. By this law the Portuguese Government confirmed "the right of the people of Timor to self-determination, with all its consequences, including acceptance of its independence" ... "in accordance with the relevant resolutions of the United Nations Organization and the scrupulous safeguard of the principle of respect for the wishes of the people of Timor". Law 7/75 also provided for the formation of a transitional government to prepare for election of a popular assembly in October 1976. The transitional government was to consist of a High Commissioner appointed by

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7/ S/PV.1865.

8/ A/AC.109/L.1006, para. 44 and S/PV.1864 and S/PV.1865.

9/ S/PV.1865.

10/ Ibid.

11/ Ibid.

12/ A/AC.109/L.1006, para. 15.

Portugal and five members, two of whom would be representatives of the Portuguese Government and the other three chosen from among representatives of the political parties in the Territory. The popular assembly, to be elected by direct, secret and universal suffrage, was to be responsible for determining the future political status of the Territory. Unless otherwise agreed between the popular assembly and the Portuguese Government, Portuguese sovereignty was to be terminated as of the third Sunday of October 1978.

15. In the early morning of 11 August 1975, UDT staged a coup d'état in Dili, claiming this to be a pre-emptive strike given information that FRETILIN was planning to carry out an armed coup on 15 August. 13/ An attempted counter-coup by FRETILIN was followed by armed confrontation between the two parties, during which FRETILIN regained control of Dili and the Portuguese Governor and garrison withdrew to the island of Ataúro. By letter dated 22 August 1975, the Minister for Foreign Affairs of Portugal stated that armed conflict had spread so widely that the Portuguese authorities were no longer able to control the situation or even fully to assess it with the limited possibilities of communication. The Portuguese Foreign Minister summarized the situation "as one of near civil war", adding that his Government had made an urgent appeal to Indonesia and Australia, and to the International Committee of the Red Cross for humanitarian assistance. 14/

16. On 28 November 1975, FRETILIN stated its intention to declare unilaterally the independence of Timor. In justification, FRETILIN claimed that the Territory had been a victim of aggression by Indonesia and that the anticipated talks between Portugal and the various parties had been delayed, for which they held the Portuguese Government responsible. 15/ Later FRETILIN maintained that this declaration of independence establishing the "Democratic Republic of East Timor" had been merely a formal act to legalize an already existing situation. 16/

17. On 30 November 1975, following the unilateral declaration of independence by FRETILIN, a coalition comprising APODETI, KOTA, Trabalhista and UDT issued a proclamation denouncing FRETILIN's action and declaring "the independence and integration of the whole former colonial Territory of Portuguese Timor with the Republic of Indonesia". 17/ On 17 December the same coalition announced the establishment of a "Provisional Government of the Territory of East Timor", to ensure the maintenance of government and the administration of law and order given "the fact that the capital of East Timor and practically the entire territory has been liberated from terrorist influence" and that "there exists a vacuum of authority in East Timor due to the incapacity and irresponsibility of Portugal". 18/

13/ S/PV.1865.

14/ A/1028, annex.

15/ A/10403; S/11890, annex.

16/ S/PV.1864.

17/ A/C.4/808, annex.

18/ A/31/42; S/11923, annex.

18. By letter dated 7 December 1975, the Permanent Representative of Portugal to the United Nations on behalf of his Government informed the President of the Security Council that early that same day naval, air and land forces of the Republic of Indonesia had launched an offensive action against the Territory of Portuguese Timor and particularly against the town of Dili where naval bombardment had occurred and troops had landed. The Permanent Representative requested the President of the Council to convene an urgent meeting of the Security Council. 19/

19. Prior to the Security Council being seized of the question of East Timor, the Territory had been under consideration in the General Assembly since its fifteenth session. In June 1975 the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted a consensus in Lisbon with reference also to Timor. The Fourth Committee at the thirtieth session of the General Assembly approved a draft resolution on the question of Timor which was adopted as General Assembly resolution 3485 (XXX). The resolution went on to draw the attention of the Security Council, in conformity with Article 11, paragraph 3, of the Charter, to the critical situation in the Territory of Portuguese Timor and recommended that it take urgent action to protect the territorial integrity of Portuguese Timor and the inalienable right of its people to self-determination.

20. At its 69th meeting on 22 December 1975 the Security Council adopted resolution 384 (1975). The operative paragraphs read:

"The Security Council

"...

"1. Calls upon all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV);

"2. Calls upon the Government of Indonesia to withdraw without delay all its forces from the Territory;

"3. Calls upon the Government of Portugal as administering Power to co-operate fully with the United Nations so as to enable the people of East Timor to exercise freely their right to self-determination;

"4. Urges all States and other parties concerned to co-operate fully with the efforts of the United Nations to achieve a peaceful solution to the existing situation and to facilitate the decolonization of the Territory;

"5. Requests the Secretary-General to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the Territory and all States concerned in order to ensure the implementation of the present resolution;

19/ S/11899.

"6. Further requests the Secretary-General to follow the implementation of the present resolution and, taking into account the report of his special representative, to submit recommendations to the Security Council as soon as possible;

"7. Decides to remain seized of the situation."

Activities of the mission

21. Following the instructions given me on my appointment, I left Geneva for New York on 4 January 1976. During the next three days, after being briefed by you on 5 January, I held meetings with the Permanent Representatives to the United Nations of Indonesia and Portugal, the two States directly concerned, and Mr. José Ramos Horta, "Minister for Foreign Affairs of the Democratic Republic of East Timor" and Secretary-General of the Political Committee of FRETILIN. On 8 January in Lisbon I met Portugal's Minister for Foreign Affairs, Major Ernesto Melo Antunes, the Minister for External Co-operation, Major Vitor Crespo, the Governor of Portuguese Timor, Colonel Lemos Pires, and other senior government officials. In Geneva afterwards I spoke to the Permanent Representatives of Indonesia and Portugal, as well as the International Committee of the Red Cross, to obtain information about its activities in the area.

22. On 13 January I received a communication from the Permanent Representative of Indonesia in Geneva, stating that the "Provisional Government of East Timor" had now agreed, upon the insistence of Indonesia's Foreign Minister, Mr. Adam Malik, to receive as from 19 January the visit of the Special Representative of the Secretary-General in areas of East Timor under the control of the "Provisional Government". On the same day a cable arrived from Mr. C. Santos, "Information Officer, Foreign Affairs, Democratic Republic of East Timor Office in Australia", inviting me to visit areas under the control of his "Government", stating that the "Democratic Republic of East Timor" would be willing to attempt to arrange a visit through Australia and adding that such a visit was imperative. On 14 January, having already assembled my team, 20/ I departed from Geneva, arriving in Jakarta on 15 January, one member of the mission having reached Jakarta the previous day to make preliminary arrangements.

23. On the following days I was received in audience by President Soeharto and held several meetings with the Foreign Minister, Mr. Adam Malik, and other senior officials of the Indonesian Government. I also met with the Chairman of Indonesia's Task Force for the Refugees from East Timor, the Chairman of the Indonesian Red Cross Society and the UNICEF representative in Jakarta.

24. On 19 January I flew from Jakarta to Kupang in West Timor. In Kupang I met the Provincial Governor and members of his administration. Representatives of the

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20/ Messrs. Erik Jensen, Special Assistant; Gilberto Schlittler-Silva, Political Officer; Harald Smaage, Administrative Assistant.

"Provisional Government" had flown from Dili to discuss details regarding the visit of my mission to East Timor; I made clear to them my wish to go to as many centres in the Territory as possible, leaving them to specify which places might be inaccessible for technical or security reasons.

25. The following day I flew by chartered light aircraft to the enclave of Oecusse, the island of Ataúro and then to Dili. In all three places I had the opportunity to speak to senior representatives of the administration and political parties, local community leaders and others. In Dili I had two lengthy meetings, on the evening of my arrival and again the following morning, with members of the "Provisional Government" and persons representing APODETI, FRETILIN, KOTA, Trabalhista and UDT. I subsequently flew by helicopter (made available especially, since there was no landing place for a fixed-wing aircraft at Manatuto) to Manatuto and on to Baucau. In both places I again met with representatives, as above, of the administration and political parties and local community leaders. After a final meeting on the morning of 22 January I departed from Baucau and returned to Indonesia, since at the time the "Provisional Government" did not deem it possible on technical and/or security grounds for me to visit other centres, roads being largely impassable.

26. After my return to Jakarta I had further meetings with the Foreign Minister, Mr. Adam Malik, and other senior officials of the Indonesian Government.

27. I received in Jakarta a cable containing a message from Mr. Horta in which he suggested that I visit four places (Suai, Same, Viqueque and Com) in East Timor. It was said that Same had an airstrip and I was asked to make arrangements through a representative of FRETILIN in Darwin (Australia). I immediately contacted the representative concerned. It transpired that Same could be approached by air only from Indonesia or Australia, since no light aircraft capable of landing on the airstrip would have the autonomy to fly greater distances. For security reasons the Governments of Australia and Indonesia felt unable to permit the use of, respectively, Australian and Indonesian aircraft and crews or to clear flights of foreign aircraft from their Territories to East Timor.

28. The situation was further complicated by reports that the FRETILIN representatives in Australia were no longer able to maintain effective radio communications with the "Government of the Democratic Republic of East Timor" inside the Territory and it was therefore impossible to make proper arrangements. There were therefore two problems to resolve: the first, to see if means could be found to enable the FRETILIN representatives abroad to communicate with the "Government of the Democratic Republic of East Timor" inside the Territory, and the second to find appropriate means of transport. At this stage the Portuguese Government agreed to make available the communications facilities of one of two naval corvettes stationed in the Timor Sea, and also to place a vessel at my disposal to carry my mission to Timor should an appropriate landing place be agreed.

29. I flew to Darwin from Jakarta on 1 February, as soon as I had been given to understand that communications were being established. However, there continued

to be technical difficulties and it was several days before the FRETILIN representatives in Australia were able to transmit messages and to receive clear and complete replies. To assist them in this they had the use, in Darwin, of the ship's radio equipment, as well as supplementary facilities on land made available at my suggestion by the Australian authorities to ensure that no technical obstacles should impede contact.

30. Meanwhile, the Portuguese corvettes stood by to carry my mission to any landing-place suggested in the FRETILIN-controlled areas of East Timor. On 4 February I received assurance, through the Indonesian Embassy in Canberra, of Indonesian Government guarantees of free passage and the concurrence of the Dili authorities to my visit on condition that (1) the Portuguese vessel carrying the mission should fly the United Nations flag; (2) the sloop used to bring the mission ashore should also display the United Nations flag and be clearly marked "United Nations"; (3) only the members of the mission would be permitted to disembark; (4) the crew of the sloop would not be permitted to carry arms; (5) the Portuguese vessel would not be permitted to come within four nautical miles of the coast; and (6) the Special Representative of the Secretary-General should notify in advance the "Provisional Government of East Timor" of the time and place of landing.

31. While in Darwin I was in continuous contact with Mr. Horta and had repeated conversations with him, in which I made clear my willingness to travel to the FRETILIN-held areas of East Timor by any reasonable means, to go ashore by small boat should this be necessary or to meet the FRETILIN leaders at sea if they so wished. He was initially hopeful of arranging a visit but, after a full communication received from East Timor, Mr. Horta told me, and subsequently stated publicly, on the morning of 6 February that the "Government of the Democratic Republic of East Timor" could not guarantee the safety of the United Nations delegation so long as the Indonesian forces had not been withdrawn from the Territory of East Timor. He also mentioned having received a message to the effect that the airstrips which had again been mentioned for landing had come under attack. I reiterated my continuing availability should circumstances permit my reaching FRETILIN-controlled areas.

32. After Mr. Horta had left Darwin I flew on 7 February to Sydney to report to you on your arrival in Australia on 8 February. Subsequent to our meeting I departed from Sydney and returned to Geneva on 9 February. On 10 February I flew to Lisbon where, the following day, I had further meetings with the Foreign Minister, Major Melo Antunes, the Minister for External Co-operation, Mr. Vitor Crespo, the Governor of East Timor, Colonel Lemos Pires, and other senior government officials.

33. On 13 February I received through the Permanent Mission of Indonesia a cable from the "Provisional Government" in Dili inviting me to visit Suai, Same, Viqueque and Lautém (Lautém is the same district as Com) adding that these places were under "its territorial jurisdiction".

34. Immediately after my return to Europe, before flying to Lisbon, I conveyed to the Chargé d'Affaires of the Permanent Mission of Indonesia in Geneva the proposals

put to me by Mr. Horta (see para. 40 below) and requested the comments of the "Provisional Government" in Dili as well as of the Government of Indonesia. On 16 February the Permanent Representative of Indonesia in New York passed through Geneva expressly to pursue conversations regarding these proposals on behalf of his Government.

35. On 23 February I received from the "Provisional Government of East Timor" through the Permanent Mission of Indonesia in Geneva their reply (see para. 42 below) and the following day the comments of the Government of Indonesia (see para. 43 below), also through the Permanent Mission.

Findings

36. In accordance with operative paragraph 5 of resolution 384 (1975) I visited East Timor for the purpose of making an on-the-spot assessment of the existing situation. As the account of the activities of my mission makes clear, I went to certain places only and was unable to travel widely. Quite apart from the general difficulty of communications, security reasons were advanced by the "Provisional Government" as well as by the representatives of the "Government of the Democratic Republic of East Timor" against my going to other centres of population or moving about the countryside. Places first specifically suggested by the "Government of the Democratic Republic of East Timor" were then reported as affected by military activity and subsequently as being under control of the "Provisional Government". Travel outside the towns visited was said by members of the "Provisional Government" to be susceptible to hit-and-run action or other isolated incidents. This fear appeared to be substantiated by an unauthenticated message dated 18 February from FRETILIN sources referring to "guerilla tactics".

37. Any accurate assessment of the situation as a whole remains elusive. Without doubt it continues to evolve. The terrain and conditions generally are such as to rule out front lines and to favour guerilla warfare. In the places visited and at that time local military personnel were in evidence. There were signs of a functioning administration, and schools as well as health services were working. Indonesian flags were widely displayed and banners proclaiming allegiance to Indonesia. Other banners expressed resentment against Portugal, which individuals explained as deriving from a sense of having been abandoned by the country to which they had cultural ties and from which they had expected support.

38. I was able to establish useful contact with the parties and States concerned regarding implementation of resolution 384 (1975). My conversations both before and after the visit to East Timor with the Governments of Portugal and Indonesia were comprehensive and constructive. In Dili I had full discussions with the members of the "Provisional Government" and I met at length high-level representatives of FRETILIN in New York, as well as in Australia.

39. In response to my specific reference to operative paragraph 2 of the resolution regarding the immediate call for the withdrawal of forces, the Government of Indonesia pointed out that the presence of Indonesian volunteers in East Timor

was upon the request of APODETI, UDT, KOTA and Trabalhista and later of the "Provisional Government of East Timor", in which the four parties were represented, in order to give whatever assistance was necessary to restore peace and order in the Territory, as a prerequisite for the proper exercise of the right of self-determination by the people of East Timor. Consequently, the termination of their presence in, and their withdrawal from the Territory should be carried out upon the request of the "Provisional Government of East Timor". The Government of Indonesia would be in contact with the "Provisional Government of East Timor" and would co-operate fully in the implementation of such a request.

40. With a view to achieving a peaceful solution and to establishing the status of the Territory following its decolonization, the representative of the "Government of the Democratic Republic of East Timor" called for:

(1) A cease-fire without delay;

(2) The withdrawal of Indonesian forces and military assistance and their simultaneous replacement by an international force composed of Portuguese and contingents from West European countries (preferably Nordic) or composed exclusively of Nordic contingents should it not prove possible for Portugal to participate;

(3) A referendum (one man - one vote) to be held not less than one month, not more than three months, after the Indonesian withdrawal, with a choice between (a) integration with Indonesia, and (b) independence under FRETILIN.

41. The Government of Portugal expressed full support for points (1) and (2) of these proposals, adding that were a Portuguese contingent to be included in an international force, the Portuguese Government would insist on over-all command (on behalf of the United Nations) being held by a Portuguese commanding officer, since Portugal still had legal responsibility as the administering Power. However, the Portuguese Government would not oppose an international force being dispatched without inclusion of a Portuguese contingent. Regarding point (3), while in principle favourable to a referendum, the Government of Portugal would wish the people of East Timor to decide on the procedure for themselves, possibly on the lines of the proposal contained in Portuguese Government Law 7/75 of 17 July 1975. But they could not agree to terms of reference for popular consultation offering only a choice between integration with Indonesia and independence under FRETILIN. The Portuguese Government was unable to accept FRETILIN as the only valid political entity in East Timor and would suggest the alternatives be (a) integration with Indonesia, and (b) independence in consultation with all political forces in East Timor. Furthermore, any referendum should be preceded by consultations with all political groups and with the assistance of the United Nations and the Portuguese Government.

42. The "Provisional Government of East Timor" stated that

"1. The people and the Provisional Government of East Timor have decided for complete integration with the Republic of Indonesia. As far as the people are concerned, they have already exercised their right of self-determination; they consider themselves Indonesian nationals and their territory an integral part of the Republic of Indonesia.

2. The Provisional Government of East Timor decided to constitute a Provincial People's Representative Council representing all the people of East Timor. In deference to the wishes of the United Nations the first task of the Council will be to ratify the decision of the people for complete integration with the Republic or to formulate any other form of the future political structure of East Timor.

3. The Provisional Government of East Timor will invite representatives of the United Nations as observers during the entire process.

4. The Provisional Government of East Timor is not prepared to accept the so-called leaders of FRETILIN agitating outside East Timor as valid representatives, even of part of the people of East Timor. They are, however, free to return to the Territory and will be guaranteed the necessary freedom to work for their political ideals among the people of East Timor, provided they do not resort to acts of armed violence and terrorism.

5. The Provisional Government of East Timor would like to point out, however, that the political parties in East Timor have decided on 30 January 1976 to dissolve themselves and to unite in a national front in order to work together for the solution of the problems which the people of East Timor are facing.

6. The Provisional Government has the honour to invite the Special Representative of the Secretary-General of the United Nations to make another visit to East Timor to discuss further the implementation of its decision in view of a solution of the question of East Timor."

43. The Government of Indonesia commented that its position in this regard was not and could not be of a decisive nature. The Government of Indonesia was of the view that, in the first instance, the question was for the people of East Timor to decide, as they had the right to determine for themselves the political future of their Territory. The "Provisional Government of East Timor" had already proclaimed the Territory of East Timor as being part of the national territory of the Republic of Indonesia. While welcoming this proclamation, the Government of Indonesia believed that a formal decision embodying the wish for such an integration should be ratified by the people of East Timor. Moreover, the Government of Indonesia for its part had to take the necessary steps to accommodate such a desire of the people of East Timor within the framework of the existing Constitution of the Republic of Indonesia. The establishment of the "Provisional Government of East Timor" constituted an extension of the proclamation issued on 30 November 1975 by APODETI, UDT, KOTA and Trabalhista, representing the majority of the people of East Timor, to the effect that the Territory of East Timor was integrated into the national territory of the Republic of Indonesia and that the people of East Timor had become Indonesian citizens. The Government of Indonesia further stated that this proclamation had been made after FRETILIN had unilaterally proclaimed the independence of East Timor on 28 November 1975. The Government of the Republic of Indonesia recognized and acknowledged the

"Provisional Government of East Timor" as the de facto authority in power in the Territory of East Timor at present. Based first on the requests of APODETI, UDT, KOTA and Trabalhista and subsequently of the "Provisional Government of East Timor", the Government of Indonesia had provided assistance in the fields of civil administration, people's welfare and the re-establishment of peace and order in East Timor.

44. Among the divergent views of the Governments and parties concerned on the future of East Timor there is one common element: the need for consultation. This is, however, interpreted very differently both in its scope and procedure:

The "Government of the Democratic Republic of East Timor", through Mr. Horta, suggests a referendum with a simple choice between integration with Indonesia and independence under FRETILIN;

The Portuguese Government, while in principle favouring a referendum, would wish the people of East Timor themselves to decide on the procedure. The Portuguese Government expresses a preference for a choice between integration with Indonesia and independence in consultation with all political parties in the Territory;

The "Provisional Government" in Dili proposes that a People's Representative Council should either ratify the decision of the people for complete integration with Indonesia or formulate other suggestions for the future political structure of East Timor;

The Indonesian Government maintains that, since it is for the people of the Territory to determine for themselves the future of East Timor, the decision of the "Provisional Government" for integration with Indonesia should be subject to ratification by the East Timorese people.

As a first step, it might be possible to build on the slender common assumption that the people of East Timor should be consulted on the future status of the Territory.

(Signed) V. Winspeare GUICCIARDI

Geneva, 29 February 1976